

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 303/2020

Khushal s/o Gopichand Gajbhiye

..VS..

Regional Deputy Commissioner, Social Welfare Department, Nagpur and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.A. Deshpande, Advocate for the petitioner
Ms. Kalyani R. Deshpande, AGP for respondent nos. 1 and 2
Respondent nos. 3 and 4 served.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 18/07/2022

Rule. Rule made returnable forthwith. Heard the learned Counsel for the parties.

The petitioner was appointed as Assistant Teacher with the respondent no. 4 in the year 1979. During the course of service he was reverted without holding an inquiry. The proceedings arising out of the order of reversion had reached this Court in Writ Petition No. 6053/2013 and this Court on 07.07.2017 directed as under:-

“Hence, for the reasons aforesaid, the writ petition is partly allowed. The order of reversion of the petitioner dated 3.5.2000 as also the order of the Appellate Authority dated 31.1.2012 are hereby quashed and set aside. Though the petitioner would be entitled to the notional benefits flowing from the order of setting aside the order of reversion, the petitioner would not be entitled to actual monetary benefits till the date of his retirement. The respondents would however be liable to refix the pension of the petitioner by considering that the petitioner worked on the post of Headmaster till the date of his retirement in the year 2007. The respondents should complete the exercise of refixing the pension of the petitioner in accordance with this order as early as possible and positively within four months. The respondent nos. 3 and 4 are directed to send the pension

case of the petitioner to the respondent nos. 1 and 2 within one month. The petitioner is expected to co-operate with the respondents in the matter of finalization of the pension case. The arrears of pensionary benefits should be paid to the petitioner, within a period of two months from the date of re-fixation of the pension.

Rule is made absolute in the aforesaid terms with no order as to costs.”

Since the aforesaid directions have not been complied with and petitioner has not been granted fixation in the Senior Grade from 01.06.1995, he has approached this Court.

We find that in the earlier writ petition various directions have been issued to the respondent nos. 1 and 2 holding the petitioner entitled for benefits flowing from the consequence of setting aside the order of reversion alongwith re-fixation of pension. In these facts, the interests of justice would be served by passing the following order:-

(i) The petitioner shall appear before the respondent no. 2 on 01.08.2022 and submit all relevant documents that would be required by the respondent no. 2 to enable compliance of the directions issued in Writ Petition No. 6053/2013.

(ii) The respondent no. 2 shall within a period of eight weeks from 01.08.2022 take all necessary steps and comply with the aforesaid directions, failing which the non-compliance would be treated as disobedience of the judgment dated 07.07.2017.

Rule is made absolute in view of aforesaid terms. No costs.